



JOY HOFMEISTER
STATE SUPERINTENDENT *of* PUBLIC INSTRUCTION
OKLAHOMA STATE DEPARTMENT *of* EDUCATION

April 16, 2021

VIA EMAIL W/CERTIFIED U.S. MAIL TO FOLLOW

Superintendent Mannix Barnes and Members of the Board of Education
c/o Jerry Colclazier
Western Heights Public Schools
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Superintendent Barnes and Members of the Western Heights of Education,

On March 25, 2021, the Oklahoma State Board of Education (“State Board”) approved a motion expressing the utmost concern about several identified issues with the operation of Western Heights Public Schools.

By means of a letter dated March 30, 2021, representatives of your District were formally directed to appear before the State Board at a Special Meeting held pursuant to the provisions of the Open Meeting Act on April 9, 2021. From the March 30 correspondence, there were several attempts to meet with you and District representatives to discuss the areas of concern. As you know, your District leadership declined these meetings and failed to attend the Special Meeting and respond to the information presented by the State Department of Education (“OSDE”) about areas of concern and noncompliance.

Following presentation and discussion of materials made available to the District and the public as well as the Board¹, the State Board voted at its Special Meeting on April 9, 2021, to assign Western Heights Public Schools the accreditation status of “Accredited With Probation.” The probationary accreditation action taken by the State Board of Education imposes conditions on the District requiring the correction of identified areas of noncompliance and concern, as set forth below.

Accreditation of Oklahoma Public Schools

An Oklahoma school district and its school sites must hold state accreditation to operate as a public school system that receives state funding. “Accredited With Probation” is the lowest accredited status a school may hold, with “Not Accredited” as the only status remaining if the identified deficiencies are not corrected. The Oklahoma Administrative Code (OAC) lists conditions under

¹ <https://sde.ok.gov/documents/2021-04-09/state-board-education-handouts-april-9-2021>

which the status Accredited With Probation should be assigned, including when a school “consistently violates regulations” or “deliberately and unnecessarily violates” one or more regulations. *See* OAC 210:35-3-201(b)(4). This accreditation provision refers to a violation of any applicable state or federal law or regulation by a public school. Please also note the following provisions of the Oklahoma school accreditation regulations:

“Statement of the standard:

The school establishes relationships with its parents and community that result in a feeling of mutual trust. These relationships are based on open, two-way communication. Parents and the community are involved in developing and monitoring the school's expected outcomes. The school displays a willingness to respond to the parents and the community; and the community supports the school and its program.” OAC 210:35-3-21

“School to provide opportunities for school community expression:

The school shall provide opportunities for both individual parents and for groups of parents and other members of the school community to express their desires, identify their concerns, ask questions, and make suggestions concerning the school and its program.” OAC 210:35-3-26

“Statement of the standard:

The working relationships among the local board, superintendent, principal, and staff are such as to facilitate the successful functioning of all phases of the school's program....The school is provided with sufficient professional and service personnel to ensure effective operation of all phases of the school's program.” OAC 210:35-3-41

“Lack of harmony in the teaching staff, board, or community, when such conditions affect the quality and effectiveness of instruction and climate of the school, shall be considered sufficient cause for not accrediting a school.”

OAC 210:35-3-48(a)(8)(B)

Western Heights Public Schools Placed on Probation for Ninety (90) Days and Directed to Take Corrective Action

On April 9, 2021, the State Board of Education designated a probationary school accreditation status for Western Heights Public Schools and identified areas of noncompliance for necessary correction by the District. Specifically, the action taken by the State Board provides that the District's accreditation status is updated to “Accredited With Probation” for ninety (90) days from the date of the Board's action of April 9, 2021 (or through July 8, 2021). Effectively immediately and by July 8, 2021, the District must have taken action and successfully implemented the following corrective actions:

- It is OSDE's understanding that the District's board of education voted on April 12, 2021 to provide in-person instructional opportunities to students, beginning April 26, 2021. **As a part of corrective actions, the District shall establish a plan for the return to in-person instruction and ensure appropriate arrangements are in place to offer students equitable opportunities for in-person instruction, beginning no later than**

April 26, 2021. The District shall make publicly available on its website and seek public comment, taking such comments into account in the development of the plan for the return to in-person instruction. Special priority should be placed on resuming in-person services to students with disabilities served under the Individuals with Disabilities Education Act (IDEA), or students served under Section 504 of the Rehabilitation Act, whose Individualized Education Plans (IEPs) or Section 504 plans provide for in-person services and supports. These supports and priorities should include convening IEP team meetings as needed, to review each student's IEP and make any updates determined appropriate for in-person instructional services and accommodations. *See* OAC 210:35-3-1; OAC 210:35-3-101; OAC 210:35-3-21; *see also* American Rescue Plan Section 2001(i).

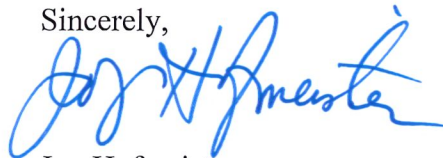
- **The District shall ensure full compliance with all standards and requirements for special education services to students with disabilities pursuant to the IDEA, and alternative education program services to students identified as at risk of not completing high school pursuant to 70 O.S. § 566 *et seq.*** Further, the District must continue implementing corrective actions required by OSDE Office of Special Education Services for FY 2021.
- **To mitigate the effects on instruction and student services of a 25% staffing loss over the past two (2) years due to termination or voluntary departure, the District shall prepare a staffing plan providing for the employment of adequate personnel to deliver all instructional and support services students are entitled to.**
- **The District shall immediately cease imposing any barriers to the enrollment of homeless students, and implement with fidelity the requirements of the federal McKinney-Vento Homeless Assistance Act.** Compliance with the McKinney-Vento Act includes the provision of timely enrollment access to homeless children and youth—with no barriers to the enrollment of a homeless student, such as requiring documentation of residency—and the clear identification of a District homeless services liaison responsible for ensuring homeless youth in the District are served.
- **The District shall demonstrate implementation of the corrective action plans addressing specific actions that will be taken to rectify findings and concerns identified in the FY (Fiscal Year) 2019 and FY 2020 school district audits.**
- **The District shall demonstrate the use of Coronavirus Aid, Relief, and Economic Security (CARES) Act funds to acquire the technology and devices to enable all students in the District to successfully implement the District's Distance Learning Plan, as represented to OSDE's Office of Federal Programs.** Verifiable evidence includes purchase orders, invoices, claims to the Office of Federal Programs and itemized inventory listing the equipment purchased with CARES funds.
- **The District shall immediately ensure that all employee insurance and benefit plans, including but not limited to any cafeteria plans funded through the Flexible Benefit Allowance, are in good standing with no late or outstanding payments due from the District.**

- Pursuant to OAC 210:35-3-26, the District shall make opportunities available to the community to express desires, concerns, questions, and suggestions concerning the school district and its programs. Further, upon receipt of information from the District community, the District should provide reasonable consideration to the information and respond in a timely manner. To protect against concerns about retaliation that have been raised by community members, the District should also provide a means for the anonymous submission of questions and concerns.
- The District administration shall make reports updating the State Board of Education on what the District is doing to rectify the problematic issues identified above. **The first such report is scheduled to be presented to the State Board at its next regularly scheduled meeting on April 22, 2021. Based on the issues of noncompliance and concerns amongst the District's community, including parents and families as well as personnel, it is apparent there exists a lack of harmony in the Western Heights School District. This absence, resulting from decision-making by the District board of education and administration, have put the District's future at risk. The uncertainty and risk may be cured, but it is imperative that these District officials who have been placed in positions of trust and instilled with responsibility for the administrative control of the District, immediately begin to take corrective actions.**

**Attendance of Western Heights Administration Required at
April 22, 2021 State Board of Education Meeting**

In the exercise of its constitutional and legislative duties and pursuant to 70 O.S. § 3-104(13), the State Board of Education requires representatives of the Western Heights Public Schools administration to report to the State Board at its next regularly scheduled meeting. Specifically, the District's School Board President, Superintendent Barnes and Board Member Linda Farley are to appear. **Failure to ensure the attendance of one or more these officials at the April 22, 2021, meeting of the State Board of Education may be construed by the State Board as an indication of the District's refusal to cure areas of noncompliance and implement corrective actions, with further potential impact on the District's future accreditation status.²**

Sincerely,



Joy Hofmeister
Chair of the State Board of Education
State Superintendent of Public Instruction

² The meeting is currently scheduled to begin at 9:30 A.M., and will be held through videoconference means consistent with the amendments to the Open Meeting Act, 25 O.S. 2011, §301 *et seq.*, signed into law by Gov. J. Kevin Stitt on February 10, 2021. *See* Senate Bill No. 1031, 2021 O.S.L 3, §2.